

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

v.

ROXANNE COLEMAN,

Defendant.

Case No.: 1:20-cv-00759-KES-SKO (PC)

**ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE
IMPOSED FOR DEFENDANT'S
FAILURE TO FILE AN OPPOSITION
OR STATEMENT OF NON-
OPPOSITION**

Plaintiff Devonte B. Harris is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on a single claim of retaliation in violation of the First Amendment against Defendant R. Coleman.

I. RELEVANT BACKGROUND

On August 13, 2024, the Court issued its Tentative Amended Final Pretrial Order in this action which set forth deadlines regarding pretrial filings and trial preparation. (Doc. 83.)

On August 28, 2024, Plaintiff filed a document titled "Plaintiff's Motion for an Injunction Ordering Kern Valley State Prison to Provide Access to His Stored Legal Material; and to Locate and Return His Legal Books." (Doc. 85.) Plaintiff states that although this matter is set for trial on December 10, 2024, prison officials are refusing him access to his legal documents and have

1 misplaced or lost his property including books necessary for the prosecution and litigation of this
2 action. More than 21 days have passed since Plaintiff filed his motion and Defendant has not filed
3 a response.

4 **II. DISCUSSION**

5 The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide,
6 “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may
7 be grounds for the imposition by the Court of any and all sanctions authorized by statute or Rule
8 or within the inherent power of the Court.” Local Rule 110. Pursuant to Local Rule 230(l), any
9 opposition “to the granting of [a] motion shall be served and filed by the responding party not
10 more than twenty-one (21) days after the date of service of the motion. A responding party who
11 has no opposition to the granting of the motion shall serve and file a statement to that effect”

12 Because Plaintiff filed his motion on August 28, 2024, any opposition or statement of
13 non-opposition by Defendant was due to be filed no later than September 18, 2024. Defendant
14 has failed to file either an opposition or statement of non-opposition to Plaintiff’s motion.

15 This matter is set for trial before District Judge Kirk E. Sherriff in less than three months.
16 Plaintiff’s motion concerns his inability to access his legal property and documentation to
17 prepare for trial. A response by Defendant warranted.

18 **III. CONCLUSION AND ORDER**

19 Based on the foregoing, the Court **ORDERS** Defendant to show cause in writing, within
20 7 days of the date of service of this order, why sanctions should not be imposed for her failure to
21 comply with the Local Rules. Alternatively, within that same time, Defendant may file an
22 opposition or statement of non-opposition to Plaintiff’s motion filed August 28, 2024.

23
24 IT IS SO ORDERED.

25 Dated: September 19, 2024

/s/ Sheila K. Oberto
26 UNITED STATES MAGISTRATE JUDGE